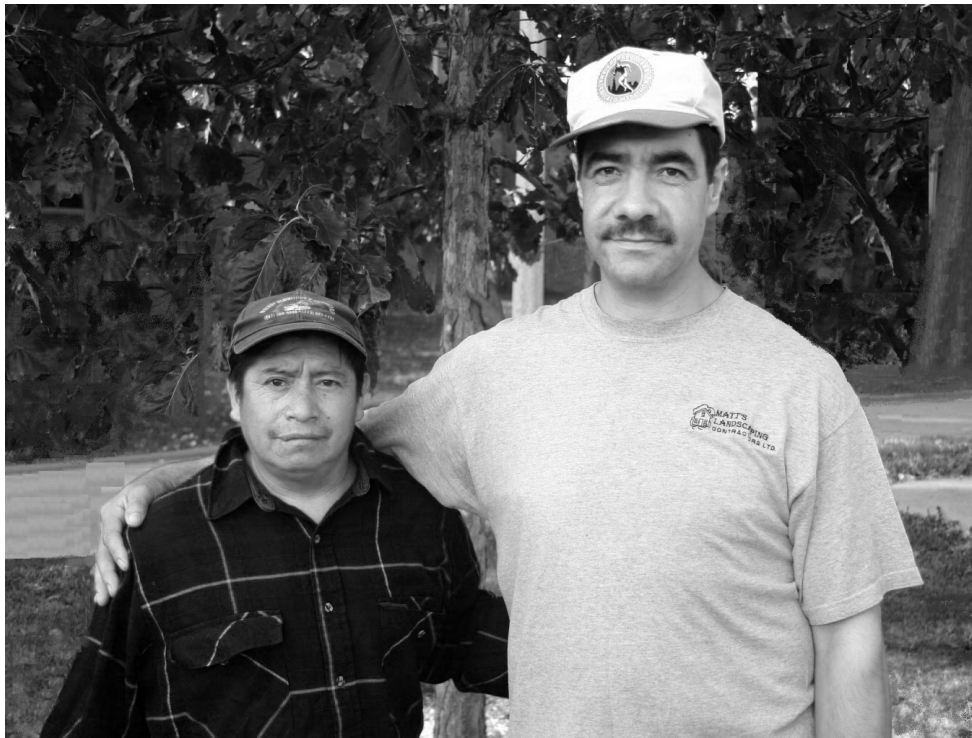


Comparing Solutions: An Overview of Day Labor Programs



Day Labor Research Institute, 2004

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Unorganized day labor is a problem in multiple cities, in diverse communities in the United States. It's a unique social problem because of its wide effect and the controversy it generates. A not-so-small fortune has been spent on solutions, with little success in most cases: police enforcement alone yields few good results, and when day labor centers are established, day laborers continue to congregate in large numbers on the streets surrounding the day labor centers. New problems are often created, including new crowds of homeless and substance abusers loitering near the center after hours, and large numbers of day laborers drawn from other areas to the streets surrounding the centers.

When they are unsuccessful in attracting the day laborers from the streets to their centers, these day labor programs begin to defend the day laborers' "rights" to stand in the streets and redefine their program purpose as provision of social services. While having little positive effect on unorganized day labor in the streets, the programs have insatiable appetites for funding. Staff resists efforts of accountability and cost limitation, relying on protests and accusations of racism to embarrass local government into continuing to fund their programs. Changes in staff or program direction become impossible as staff becomes entrenched.

Worse, the program problems often attract the extremist group NDLO¹, with even more voracious funding appetites, and more sophisticated skills in protest (characterized by hysterical accusations of anti-immigrant racism and large numbers of "day laborers" bussed in from other communities to make larger protests, with sound-bites about the suffering caused by the local government's attempts at cost limitation and program accountability. They insidiously take control of programs in trouble by offering to help, resulting in more exaggerated funding demands coupled with more and better protests.

Although this is the prevailing paradigm for day labor programs, there are day labor programs that quietly resolve the problems associated with unorganized day labor, are responsible, accountable and affordable (usually self-funded), satisfy both day laborers and community alike, and do not create new problems or generate controversy.

Day labor in the United States

Day labor is not new to the U.S., and day laborers are not traditionally Latino, nor even immigrants in some cases (Valensuela:2). Many cities still have non-immigrant day laborers, and many other large and small cities have immigrant day laborers from a variety of countries, including Mongolia, Poland, Russia, Brazil, Central and South America, and countries in Africa (Rivera:5). Non-immigrant day labor, seen in many cities, does not generate the controversy or calls to police and local government seen when immigrant day laborers gather to wait for work.

¹ National Day Labor Organizing Network

Complaints received in calls about immigrant day laborers include day laborers creating traffic problems, leaving trash, loitering, making noise in residential areas when not working, urinating in public, rushing cars of potential employers in parking lots, frightening customers of local businesses, and committing crimes. Unfortunately, day laborers often become the community scapegoats for area nuisance misdemeanors and crimes that have no suspects.²

Definition of Day Laborer

Because day laborers know who they are, we depend on day laborers themselves to give us the definition of “day laborer.” “Day laborer” is defined as a worker who stands on a street corner, parking lot, curb, sidewalk, park etc. to wait for temporary, short term, long term, or fulltime work. Unemployed workers seeking work by other means are not day laborers (although they may work at temporary jobs through agencies or personal contacts), nor are homeless persons who stand in the same area as day laborers (but are not seeking work).

Two Models of Day Labor Programs

In the last twelve years there have emerged two main models of day laborer programs—what we call the *social service agency model day labor program* (the traditional model that San Francisco, Los Angeles, and many other cities based their programs on) and the *day laborer designed model day labor program* seen in cities including Austin, Texas, and Glendale, CA. Although both models are day laborer programs, the two are as different in purpose and function as a soup kitchen and a union hiring hall.

The social service agency model is widespread and although there is some variation, the programs set up on this model have certain features in common. Typically, the city or county funds these programs year after year and the workers do not contribute to the funding (although workers may be charged for an ID card, or asked for a donation). Anyone who applies to the program is admitted, regardless of their employment status or geographical location. Staff and the board of directors make policy decisions, although day laborer committees make suggestions. They have typical social service agency hours of operation and days closed. Provision of social services, consciousness raising, and social activities are emphasized. Jobs are distributed through a lottery. Day laborers’ “rights” to remain in the streets are supported, and outreach is performed to contact these day laborers (to inform them of the program).

The day laborer designed model varies widely in some things because the day laborers choose the policies and rules, but again, research has found certain key features that define this model and vary little between different centers. Policy, rules, and operations are made by the day laborers, resulting in long hours of operation, few if any days closed, a minimum wage with sanctions for accepting less than the minimum, and funding through worker dues. Employment is emphasized, though social and educational activities also often exist at these centers, along with AA meetings and

² For a discussion on myths and stereotypes about day laborers, see DLRI paper “Serial Murderers, Child Rapists, and Malevolent Drifters: Media Stereotyping of Day Laborers.”

support groups³. Jobs are distributed from a list that is usually in the order of signing in each morning (but first place on the list is given to those who did not work the day before). A policy of no streetside solicitation is enforced with sanctions for employers and workers who do so.

Olivero found that day labor centers have two major challenges—participation and support (3). We have found that the first major challenge takes place long before the center is open: the city or county's choice of which model day labor program to implement, thus (often without realizing) deciding the results.

Defining the Problem

Social Service Agency Model Programs

Social service agency model programs often take the position that unorganized day labor in the streets is not a problem (after finding themselves unable to attract the day laborers from the streets to the center). In a public meeting with the county supervisors to discuss why over 200 day laborers are still in San Francisco's streets, day laborer program director, Renee Saucedo, passionately and eloquently stated the social service agency model position: the *police* are the problem, the *residents* of the neighborhood where the day laborers stand are the problem, the *city* is the problem, but the day laborers are not the problem. The day laborers "have the right" to look for work on the streets and sidewalks, and if all the "racists" would just accept that, then there wouldn't be any problem. NDLOM vociferously promotes this position [see NDLOM below].

Although NDLOM and staff of social service agency model programs deny that unorganized streetside day labor is a problem, they are quick to jump on the bandwagon for a solution: day laborer programs are big business. The city of Los Angeles spends close to \$900,000 a year on their six programs, and San Francisco spends over \$400,000 a year. Similarly, Austin, Texas was spending \$300,000 a year on Austin's failing program before it was reorganized into a day laborer designed model program.

Day laborers

Day laborers are very clear that unorganized day labor is a problem for them. After making great sacrifices to immigrate to the United States, both documented and undocumented day laborers are met with seemingly insurmountable barriers to their goals. In order of most repeated and most emphasized as critical, the problems reported by day laborers are 1) lack of sufficient work, 2) substandard wages, 3) crime (including employers who take them to work and then refuse to pay), and 4) exploitation (by groups and individuals who take advantage of their tenuous position, reluctance to call police, and with some day laborers, their undocumented status).

³ Although beyond the scope of this paper, it should be noted that while these centers emphasize employment, many social and educational activities develop through consensus decisions, such as soccer and baseball teams, computer labs, ESL and work skills classes, and support groups, such as for indigenous day laborers, and victims of domestic violence, often also develop. For an example, see section on "Other Services" in "Empowering Workers in Concord, California: Monument Labor Works, Status Report: Year-End 2002."

Negotiation of wages is impossible in a situation where day laborers are forced to run at employers cars and trucks by employers who almost always choose the first to get there or the first to get in. Some employers consciously use this method to choose workers—one employer proudly reported “I want to see who runs fastest to see who’s hungriest.” Day laborers are unable to negotiate fair wages as employers quickly turn to a day laborer willing to go for less. Not eligible for Foodstamps, Medicare, or cash assistance through welfare, day laborers rely on wages earned from the work they obtain in the streets. Making matters more difficult, most day laborers are supporting families at home in their countries (brothers and sisters, mothers, fathers, grandparents, wives and children) and need to send a significant portion of their wages home.

Day laborers report that at times police ticket employers who stop in traffic to attempt to hire them, which frightens employers away. The day laborers feel caught between the street (where stopping in traffic or a no-stopping zone may result in a ticket) and the parking lots (where store and restaurant managers and owners do not want hiring going on). Some areas have security guards that chase day laborers and employers away.

Day laborers are not unaware of the image they have in the community, and have a sophisticated understanding of how other members of the community attribute problems to their presence. They report that store owners and managers say that they throw garbage around, bother customers and scare women, drink, smoke crack, and ruin the grass and landscaping by standing on them while waiting for work. Most day laborers readily admit that some of this is true—that some of the day laborers do some of these things, and that others who are not day laborers, but are Latino, do some of these things in the same area where the day laborers stand (therefore being mistaken for day laborers by those complaining). Day laborers feel that they are all paying the price for the practices of some people.

What Each Model Day Labor Program Tries to do

When day labor programs are being planned, the dialog inevitably is about ending the presence of day laborers in the city’s streets. When faced with large numbers of day laborers boycotting their day labor programs and staying in the streets, social service agency model programs begin to defend the day laborers “rights” to stay in the streets.

Unable to provide employment for more than 30% of participants daily, social service agency model programs redefine their purpose to fit the results: the purpose of these programs quickly turns into provision of “services” for day laborers. These programs typically include a myriad of “services” offered in the program including English as a Second Language (ESL) and GED classes, free coffee and donuts in the mornings, free food and used clothing, gardens and soccer teams, political schools and people’s theater [see discussion on One-Stop centers below]. A city in Texas offered art therapy at its day laborer center, and handed out lunches to the 70% plus of participants that did not obtain work each day. San Francisco’s program is typical in portraying the day laborers as having a multitude of needs (which, coincidentally, their program can meet through provision of social services).

At social service agency model programs, “day labor organizing has not seen job development as an integral part of organizing. In general, centers have devoted *far more resources to service delivery than to job development*, even though they operate in large metropolitan areas with adequate social service delivery systems” (Camou:21, my emphasis). In other words, in spite of the inefficiency of duplication of services, social service agency model programs see their main purpose as provision of services, rather than employment, for day laborers.

Day laborer designed model programs’ purpose is to provide a viable alternative to looking for work in the streets, resulting in an end to the presence of unorganized day labor in the streets. The purpose has two sides that are mutually concordant—day laborers want more employment at higher wages, and protection from unpaid wages, and the City, local residents, businesses, and police want an end to the problems associated with unorganized day labor in the streets.

Program Philosophy

Although the two kinds of day labor programs often use the same language to describe what they do, the words mean completely different things:

Union

Organize

Minimum wage

Social service agency model day labor programs often call their day laborer organization a “union” (for example NDLO, CHIRLA/IDEPSCA⁴, and San Francisco’s program), but their mission statements describe something distinctly non-unionlike: an organization meant to further human rights, bridge divides, provide social experiences that promote communication among day laborers (such as workshops and conferences, soccer teams and theater productions). Fair wages through refusing to work for less is not a part of this definition.

At the social service agency model programs, “minimum wage” is merely a suggestion. The existence of a “minimum wage” at these programs does not mean that a day laborer who insists on working for less will be sanctioned. On the contrary—workers who are willing to work for less than the minimum are often rewarded with jobs because they are willing to work for the lesser wage offered by the employer rather than joining the other workers in refusing. The organizers of these programs maintain that workers have the “right” to work for any wage (typical of the “Right to Work” position of these programs).

To the social service agency model programs, *organize* means “outreach” to non-participating day laborers, and/or “consciousness raising.” Outreach is essentially contacting the non-participating day laborers in the street and trying to convince them to use the center rather than the street, usually by telling them of the social services offered and appealing to their conscience by telling them that day laborer centers are a

⁴ Coalition for Humane Immigrant Rights of Los Angeles and the *Instituto de Educacion Popular* in Los Angeles

better way. Day laborers often call these *locales de pan dulce y café* (coffee and donut centers).

To these programs, “consciousness raising” means “popular education,” the social service agency model program organizers’ version of Paulo Freire’s idea of liberatory education (for example comic books and people’s theater to present ideas in a format that day laborers can “relate to”).

The day laborer designed model makes no effort to do consciousness raising—it appears that in the day laborer designed model, consciousness comes from practice (earning higher wages through refusing to work for employers who pay less than the asked for wage) rather than a deliberate effort to develop consciousness.

Likewise, day laborer designed programs do not perform “outreach” (beyond telling newly arriving day laborers about the center). Day laborers who refuse to leave the street are not contacted, but they are also not allowed to obtain work in the street [see discussion on boycotting below].

Day laborers who apply to join the center are usually told that the center has strict rules, charges dues, has nothing free, and has strict criteria for membership (does not admit any and all who apply). This “reverse psychology” is apparently more convincing than the “outreach” strategy, which social service agency model programs admit has little positive effect.

The day laborer designed model uses the word *organize* in the traditional labor union sense: organize the workers to agree to refuse to work for less than the chosen wage (which, in theory, will force employers into paying the wages asked for). While in traditional unions this is accomplished through strikes or threats of strikes, workers in day laborer designed programs are effectively constantly on strike and the workers will refuse to go out for employers who offer less than their chosen minimum. As in any strike, scabs that are willing to work for low wages put the strike in danger. If there are enough scabs willing to break the strike, the strikers will fail.

Day laborers feel that it is a human right to earn a fair wage, have good working conditions, and have enough work, and feel that it is *irresponsible* to work for less than the chosen minimum wage—day laborers who insist on going out to work for less will be sanctioned by permanent suspension (this is the only unforgivable sin at day laborer designed programs).

Sanctions for Streetside Solicitation

Social service agency model programs do not sanction day laborers who use the day labor center and also use streetside solicitation to find work. At day laborer designed programs, workers who use the program **and** the street to look for work are sanctioned with permanent suspension (although the workers’ discipline committee gives these workers a second chance most times, the threat of permanent suspension works to ensure that few, if any, ever look for work in the streets).

Measures

The points of difference between the two kinds of day labor programs are outlined in some detail in Appendix 2, but one important point of difference is worth discussing here: Measure of Results. When comparing day labor programs, it is important to remember that the different models use different measures of success. Social service agency model programs often measure their results in reports and requests for funding by counting clients served (meals, ESL classes, counseling, etc). In fact, cities and counties inadvertently encourage this attitude through their reporting procedures for CDBG and other monies, asking for counts inapplicable to day labor programs [see Appendix 3 for reporting examples].

Because a day laborer designed model program seeks to end the problems related to day laborers congregating on street corners while waiting for work, what “counts” in day labor program success is employment related (versus “number of clients served” or hours of time spent by staff in “provision of services”). Day laborer designed model programs count jobs (fulltime, long term and daily) level of wages, and number of day laborers left in the streets.

When the Day Labor Research Institute does program evaluation of either model of day labor program, it uses these same counts: much of the evaluation of a day labor program is based in the statistics recorded daily over the course of the program year in program documentation:

- ? Wages
- ? Level of employment
- ? Number of jobs daily and % of participants hired daily
- ? Full-time jobs
- ? Repeat customers (employers who return to hire again)
- ? Cost to the program per job
- ? Number of non-participating day laborers left on streets
- Also,
- ? Worker and employer satisfaction with the program
- ? Worker participation in all aspects of the program (volunteerism), which reduces staff size and cost and gives ownership of program to the workers
- And,
- ? Comparison to other day labor programs

Decision Making, Rules and Policies: Who Makes the Rules and Policies and How

Social service agency model programs often claim to speak for the day laborers. When planning programs, their practice is to entertain day laborers “suggestions and insights” toward policy, but not real policy-making. Meetings to decide rules and some policies before a center opens are held away from the street corner, usually at night. A day laborer committee or board is elected, and this board becomes the decision making entity. Yet, the day laborer committee still has relatively little power of decision—their decisions are still seen as suggestions, and those running the center have no obligation to ratify all decisions coming from this board.

In the day laborer designed model, decisions on policy, rules, and operations are made through consensus reaching meetings held on the street corner before the center opens, on busy days and at times of the day when the most day laborers are present (early morning), and in general meetings held in the early morning in the center after opening. Day laborers are given the task of designing the program from “zero,” from the ground up: program mission and focus, how program decisions will be made and when meetings will be held, who can attend membership meetings, how to define consensus, who can use the program, hours of operation, funding, rules, policies, operations, amount of help the program will accept and from who, measures of success, number of staff and criteria for choosing staff, amount of wages earned by staff, marketing, job distribution, and the procedures for dealing with complaints and non-compliance with the rules.

Meetings are facilitated by ethno-organizers trained in mediation and consensus reaching. A simplified version of Roberts Rules is used, and all consensus decisions are recorded on paper by day laborers, and read back to the group of day laborers as each decision is written so that they can confirm that the decision is recorded correctly, and once again at the end of the meeting. Consensus is shown by a vote, and consensus is usually defined as everyone agreeing but one or two at the most.

Comprehensive policies and rules cover everything from who can join the center to how work is distributed. These consensus decisions become the written policy and operations manual for the center, and the board of the non-profit that runs the center is committed to ratifying all the day laborers’ consensus decisions. Day laborer meetings are recorded on video or DVD and become part of the center’s archives. The result is a very different kind of program than the social service agency model.

Day laborers choice of hours and days of operations are bureaucrat’s nightmare—they usually decide that the day labor center should be open 365 days a year, from sunup to sundown (mirroring the hours day laborers are present on the street corners). Because the policies come out of the day laborers’ consensus-reaching process, the policies speak to the day laborers’ fundamental needs and belief systems. For example, they almost always prohibit any kind of organized charity at their programs (such as free food or clothes). They unanimously worry that provision of charity will attract undesirables to their center, and that it will give them a bad image with employers (lowering their wages). (They do provide for newly arriving day laborers among themselves—giving them food and clothes and putting them first on the work list). While others may see the day laborers as *needy*, they see themselves as *able to provide* for themselves and their families (and for their hiring center) *through work*.

The “no charity” policy may sometimes appear counterintuitive to outsiders. A fundamental and strict center policy at the Concord day labor center was no donations: no free food, no used clothes, no donations of money, furniture etc. to the center. When the Concord center first opened, offers of donations of food, clothing and furniture for the center rained down on the workers. The workers steadfastly resisted all offers in the

face of the would-be philanthropists' disbelief and incredulity. Outsiders made much of the appearances of the hiring center when it first opened—the cement floor, unpainted walls, and old couches (brought by the day laborers) were called “grim” and “depressing”, but the workers had their own priorities (work, not appearances) and their own reasons for keeping things “informally decorated” (their own comfort while waiting for jobs—no one yelled at them for putting muddy shoes up on chairs or for spilling food and drink on the floors).⁵ They eventually painted the walls and improved appearances, but the attitude that *work* matters more *appearances* remained strong.⁶

After the day laborer designed center is open, meetings continue to be run and recorded in the same manner. The consensus-reaching process is used when problems surface or decisions need to be made. For instance, for the first year and a half after opening, Christian groups attempted to gain entrance to the Concord day labor center for bible studies and church services (via giveaways of food, clothes, and even money—but, no one had made it past the “no donations” hurdle). Then, a small group of Christian men asked for permission to hold a bible study Saturdays at 9 a.m., promising to respect the rules and policies of the center (including no free food or clothes, although this was part of the Christians' original proposal).

The majority Catholic day laborers held a consensus-reaching meeting (without the Christians present) to discuss the proposal. The day laborers decided, after an hour of discussion, that the Christians could, after all, hold bible studies. However, there would be several rules and conditions: 1) they could not come at 9 a.m. on Saturdays as they had proposed (this would interfere with the “main purpose” of the center, which is work) but could come any day in the late afternoon, 2) they could not insist that all participate, but rather had to hold their bible studies alongside regular activities going on in the center at this time, 3) they could not tell the workers to turn off the TV (nor to turn it down) or to not “fool around” and make noise (they would need to hold the bible studies outside if the noise was a problem), and finally, 4) they could not tell the workers that “playing cards is a sin.”

Reciprocity: Day Laborers' Answer to Charity

The day laborers at day laborer designed programs usually choose to help their fellow workers with work—newly arriving workers are given first place on the work list, as are workers who are facing extraordinary financial difficulties at the moment.

Although official “charity” is prohibited, there exists an informal system of reciprocity among the workers at day laborer designed model programs that provides workers with the necessities of food, clothing, and shelter—the day laborers' answer to the multiple

⁵ The center's workers often commented that they were waiting, after all, to go out on extremely difficult jobs—digging ditches, breaking up concrete, tearing off roofs and tearing down buildings—and that they had the right to be comfortable while waiting.

⁶ Interestingly enough, although the policy did not allow for donations of used clothing or furniture, the workers' own employers were permitted to leave bags of coats, work shirts, and work-boots, and even weight lifting equipment, couches and chairs for the center. Apparently their employers were exempt from the “no donations” policy—perhaps they had already proven their respect for the workers by hiring them and by willingly paying the high wages the workers demanded.

needs of newly arriving, homeless, and destitute day laborers. This was illustrated by how the Concord workers took care of three Indians from Chiapas, Mexico, who had recently arrived. The three spoke very little Spanish, and they were the only workers at the center who spoke their particular language; to make matters more difficult, the three workers were real “country boys” that were completely overwhelmed by their experiences so far in the U.S.

The majority Mayan day laborers at the center quickly designated an older man to be their “father,” bought them food, found coats and boots for them, and took them into their homes. They sent each off with a Mayan worker who had a regular employer, and continued supervising the Chiapan workers in the next few weeks. When two of the young men got drunk one weekend, the Mayans met and discussed what to do with them (similar to how they dealt with their own relatives). These two were quickly sent off to work in fulltime work, and were advised to work hard, not drink or “go around” with women, and to save their money. The third worker continued at the center (as an “honorary Mayan”) and became popular for his story-telling abilities (using talented acting and facial expressions to communicate what he could not say in Spanish).

Who can Attend Center

Social service agency model programs do not distinguish between day laborers and non-day laborers, but rather admit all workers wanting to apply. If the day laborers object, staff members call their objections “exclusionary,” say that it is “like the anti-immigrant movement,” and typically start talking about not “limiting” participation, and “shutting people out.” Social service agency model programs often have many more non-day laborers than day laborers, something they are understandably reluctant to discuss. These programs also act to draw day laborers from other areas, usually resulting in larger numbers of day laborers than before the center opened.

Day laborer designed programs limit participation to day laborers, and usually to day laborers only from that geographical area.⁷ Newly arriving workers to that city who do not have resources to find jobs, or who had intended to look for work as day laborers, are also accepted. Applications ask specific questions to identify day laborers and those who would depend on day labor for work, and to identify their geographical home location.

While the day laborers are out in the street it is obvious who they are, and just as clear to them that a day labor center is for day laborers. Opening participation to non-day laborers is seen as allowing the center to become over burdened with too many workers—non-day laborers would take work meant for day laborers, and day laborers would return to the streets.

A grey area is the workers who normally look for work at Labor Ready type for-profit temporary agencies—day laborer designed programs usually admit these workers, and some do very well as the wages are higher than they earn in these agencies. Others of these workers with substance abuse issues, severe mental illness, or recently paroled

⁷ Both types of programs admit domestic workers into their program.

workers often have problems and leave the programs—a phenomenon also commonly seen at the for-profit temporary agencies.

A review of applications at day laborer designed programs reveals that numerous non-day laborers apply to these programs. Unemployed workers, who have never or would never stand in the street to look for work, flock to day labor centers (presumably due to the high wages offered) and would fill the ranks if admitted.

Number of Staff

Social service agency model programs feature large staffs compared to day laborer designed programs. San Francisco's day laborer program (using typical social service agency language to describe their program) boasts of a high staff to day laborer ratio at the program site (at times 18:1). Unfortunately, this portrays the workers as childlike and in need of supervision.

Day laborer designed programs have the same number of workers attending daily (75-200), but typically have only *one* staff person at any time at the center. Staff at these programs spends their time supervising day laborer volunteers in the running of the program.

Day Laborer Complaints About Day Labor Programs

Complaints abound in day labor programs. In our experience in program evaluation and auditing, a lack of complaints among program participants is often evidence of a program that kicks out its dissidents and critics—meaning fewer complainants, hence, fewer complaints—rather than evidence of day laborer satisfaction with the program. In fact, a high level of complaints is often found to be a sign of a healthy program—a program with participants that are interested in the success of their program and that take problems seriously.

Our research shows that when talking to both center participants and day laborers in the streets surrounding day labor centers, similar complaints are heard, regardless of the type of day labor program. Typical complaints seem to fall into one of several categories:

- ? Favoritism in job distribution (“only the staff’s friends get to work”)
- ? Lack of work – this complaint is heard in each type of center, indicating that even in programs with a high level of work, there will be complaints about the lack of work.
- ? Dissatisfaction with center staff
- ? Bribery – staff takes bribes or accepts sexual favors for work.
- ? Center staff sends the police after non-participants
- ? Police give non-participants tickets and arrest them

These complaints are common in *both* models of programs, in spite of very different program practices, and regardless of actual program conditions. Although a thorough discussion is beyond the scope of this paper, good program policy and practice on dealing with complaints is key to a successful program.

Boycott of Employers Who Refuse to Pay the Minimum Wage

At day laborer designed programs, employers who refuse to pay the minimum wage are turned away, and many of these head immediately for the street to see if they can hire a cheaper day laborer in the street. Day laborer designed programs practice a strategy that discourages streetside day labor solicitation.

Day laborers who refuse to leave the streets and join the center are prevented from getting jobs in the streets by worker volunteers and staff that wear bright orange safety vests, carry walkie-talkies, and hand out flyers to employers who attempt to hire these scab workers. The flyers usually warn potential employers that the day laborers in the streets are refusing to follow the day laborers' own rules (implying that they are outlaw day laborers and dangerous), explain the day labor center's simple process for hiring workers and give directions to the center. When these employers cannot find workers in the street, most return to the center and hire at the asked for rate. Day laborers who had refused to leave the streets quickly grow discouraged from lack of work, and join the center. This strategy also works to direct new employers and new day laborers, that are unaware of the center, to the center.

Although called controversial and abusive by proponents of social service agency model programs (Toma:31-32), the disruption of streetside solicitation by these day laborer designed programs is typical labor union tactics used by the more active unions, for example HERE and SEIU Justice for Janitors. In effect, the workers are running a constant strike against the low wages and conditions in the street, and are boycotting both the day laborers in the streets and the employers who try to hire them.

The workers see the non-participating day laborers in the street that are willing to work for less as scabs, and the employers who try to hire them are seen as scab employers. Understanding this is important in understanding why these workers see the social service agency stance, that day laborers have the "right" to stay in the street, as supporting the scabs.

Payment of Wages

Payment of wages due workers is an issue for all day laborers at both kinds of programs. Police help in collecting these wages is possible if police officials and city attorneys decide to view unpaid wages as a "theft of services." In cities that have taken this stance on unpaid wages, successful payment of these wages averages about 90% of the cases. Both kinds of day labor programs focus on collecting unpaid wages.

Hiring Process

Social service agency model programs have a tedious hiring process that demands an "intake" sheet be filled out for every job assigned at the center, including information on the worker and "all employer information...including name, address, type of work, number of workers" etc. This kind of paperwork is possible when the number of hires daily is so low (but also makes hiring more difficult and time consuming, further lowering the hiring rate by discouraging employers in a hurry—in our experience, *all* employers are in a hurry).

San Francisco's program estimates that staff spends an hour per job of the 1200 jobs per year—this compares to the average of *less than 60 seconds* that day laborer designed model programs spend with each employer as he or she drives up to hire workers (usually employers elect to remain in their vehicles to hire, requests for workers are taken through the window of their vehicles, and wages are negotiated in the same manner, then workers get into the employer vehicles and they drive off). Since these programs average between 60-90 jobs per day, quickly dispatching workers is essential to avoid a traffic jam and long waits for workers. Day laborers in day laborer designed programs feel that fast, efficient, professional customer service to employers makes their program able to compete with streetside hiring (which is also fast for employers).

Day laborer designed programs typically record only the license plate of the employer, but day laborers are encouraged to ask for the employers' business card, note their hours and wages promised, the address where they worked, and dates worked.

Gathering the extra information has not proven to make payment of wages more likely or collection of unpaid wages easier: both models of programs have the same number of unpaid wages and the same rate of success in recovering unpaid wages. Employers who intend to not pay the promised wages often give false information when hiring.

Number of jobs and wages

Camou says that in social service agency model programs "job placement is also lower, ranging from 50% to 20% of center participants finding employment" (11). We have found a high average of 30% employment, based on social service agency model program' reporting. The average rate of employment at social service agency centers is *not* higher than day laborers find in unorganized streetside hiring (giving day laborers little reason to leave the streets). San Mateo's center is a typical example of a sincerely run social service agency model program that suffers from a 20% average employment rate, forcing day laborers back to the streets to look for work (Williamson).

The San Francisco program's 2001 grant request projected 1200 jobs for the next year (2-4 jobs per month for each worker!) San Francisco's day labor program was averaging 15 jobs per day (out of 100 participants average per day) before September 11th, with less jobs following:

We are witnessing a downturn in employment opportunities and construction that directly affects not only the stable work force, but also day laborers. Fewer jobs in the economy mean fewer jobs for day laborers. However, we continue to engage in job development activities....

San Francisco Day Laborer Program Grant Request

The San Francisco program staff repeatedly calls day laborers "extremely mobile/transient" in their grant requests, and they describe a laundry list of reasons why day laborers are hard to provide jobs for:

With regard to transitioning the day laborers to full-time or regular employment, this remains a tremendous challenge for several reasons. The vast majority of workers

remain limited in permanent and stable employment opportunities due to limitations in the law regarding hiring workers who do not possess a certain immigration status. While temporary employment of these workers can be conducted within the law, permanent hiring of these workers remains a barrier. Day Laborers and Centro Legal are working to address this situation by promoting organizing around the amnesty campaign, However, this remains a long-term goal. Another limitation to finding permanent employment continues to be the realities of the economy and job market. We are witnessing a downturn in employment opportunities and construction that directly affects not only the stable work force, but also day laborers. Fewer jobs in the economy mean fewer jobs for day laborers. However, we continue to engage in job development activities...

In function, the day laborer designed model program most resembles a union hiring hall. Possibly because their focus is on work and wages, day laborer designed programs typically achieve an average of over 80% employment for the day laborers signing up each day. The average wage is usually two dollars or more above the chosen minimum at day laborer designed model programs, where the peer pressure is strong to not accept work without negotiating well.

Although San Francisco's day labor program reported being negatively impacted by the economy, the 2001-2002 economic woes did *not* have a negative effect on the California Bay Area day labor program in Concord—although the number of workers participating in the program had doubled by April, 2002 compared to April, 2001, the *number of jobs also doubled*—the rate of employment at the center remained as high at the end of 2002. In the months of September, October and November (lean months for construction and yard-work—day labor staples) the center ran out of workers *every day* by 10:00-11:00 a.m., and turned away employers for the rest of the day.

Concord's program surpassed its projected job placement benchmarks for this time period, and maintained that day laborers do not necessarily face more barriers than other workers. In fact, they felt that San Francisco program statements unfairly stereotype day laborers as hard to place in employment.

Program Costs

San Francisco's day labor program budget currently tops \$350,000 a year, nearly entirely dedicated to staff wages and consultant fees. Social service agency model programs have much shorter hours of operation, and typically close on holidays, half days on Saturdays, and Sundays. Building rents are usually donated or covered by the City or County, as are utilities and garbage collection, so the actual amount given to the program is much higher (especially in high rent areas like San Francisco).

Day laborer designed model programs have an average budget of less than \$100,000 a year. Since operations and policies are chosen by the day laborers, the hiring halls are open about 12 hours a day (often longer), 365 days a year. Garbage collection is often donated by the City, but rents and utilities are paid for by the program. In addition, as discussed below [section on Dues], day laborer designed model programs usually have much of their costs paid by worker dues.

Cost per Job

A comparison in the California Bay Area in 2001 shows the very different results of the day laborer designed model program and the social service agency model program when analyzing program costs versus jobs generated. In 2001, San Francisco's day laborer program was sending out an average of 15 workers a day (of 100 signing up) . This means that the city's funds of \$350,000 a year for their program were spent as follows: each job going out of this center cost the city a low average of \$88.⁸ (This has led to San Francisco's day laborers' tongue in cheek suggestion that the city merely pay to 15 randomly chosen day laborers \$88 each day to stay home).

The State's Employment Development Department (EDD) Casual Labor day labor program, operating at the same time in Concord, California in 2001 (with similar employment strategies and hours of operation), spent an average of \$35 per job found for the day laborers. They sent out an average of 7 workers per day, and placed an average of 6 workers per month in fulltime jobs.

That same year, Concord's day laborer designed program, with a budget of \$60,000, had an average of over 60 workers going out to work each day (a 90% average for their first two years) and found an average of 30 fulltime jobs per month for its workers. The cost was less than \$3 a job.

Marketing

Traditionally, the strategy employed for finding jobs for day laborers is "job development," which means calling employers and calling ads for employees in the newspaper and online, organizing job fairs and "meet the workers" events. Databases of employers are kept, and these employers are contacted regularly. The social service agency model program strategy of calling employers has not proven to be cost effective for finding jobs for day laborers—either temporary or fulltime. In 2003, a social service agency model program in Virginia that practiced "job development" reported finding an average of 88 temporary and 5 fulltime jobs per month. They spent an average of \$11,833 per month (\$455 per day that it was open during the year), which means that those fulltime and temporary jobs cost an average of \$127 each⁹. The year before, they reported more employment—lowering the cost per job to \$92.

At this center, workers say that part of the lack of employment can be attributed to the move from the street to the center (located in a park). The workers comment that they now look like "a bunch of guys hanging out in the park," as opposed to the day laborers they "used to look like" when they were in the street. They were their own advertisement for their services by their presence alongside the street: "everyone knew who we were and where to find us when they needed workers." They suggested hanging American flags from posts where they now wait for work (to make it "look like a business"), and

⁸ This cost per job is if the program actually finds 15 jobs per day (doubtful), but at their estimate of 1200 jobs per year, the cost per job is nearly \$300.

⁹ This program was found to not be providing any other day labor services, in spite of their claims in reports and requests for funding—a common problem particular to social service agency model day labor programs.

hanging a banner big enough to be seen from the street that announced “workers for hire.”

As seen in this example, day laborers have specific ideas on marketing, and when given the chance, are very successful in developing affordable strategies that bring an abundance of work to their centers. Day laborer designed programs typically use proven, intelligent, low cost strategies to advertise for jobs (that the day laborers themselves develop through consensus).

While using the words “marketing” and “advertising” may sound rather mercenary when talking about day labor programs, in reality, day laborers fit directly into an economic model—they are offering a product to consumers, fighting to maintain a good level of consumption and combating market forces that want to lower wages. They are attempting to run a business very similar to Labor Ready (a Fortune 500 company). The kind of support they need and deserve to make their program a success most resembles the support given to small businesses, rather than the support typically given to non-profits.

Enough Work in Every City?

San Rafael day laborers decided in consensus reaching meetings that they wanted a day labor center with “as much work as possible” (Day Labor Research Institute, SR Study:16). In the streets, they were suffering from a severe lack of work. Does this mean, as social service agency model programs assert, that their future day labor center would have a similar lack of work? The staff in these social service agency programs holds that not all cities can provide a high level of work for their day laborers (another reason given for their low level of work). Studies of day laborer designed model programs argue to the contrary—all indications point to an abundance of work for day laborers once they organize¹⁰.

Comparing to a city similar to San Rafael, Concord’s day laborers enjoyed a dramatic increase in work after opening their day laborer designed hiring center. In the summer prior to opening Concord’s center, the count of day laborers still on the streets at 10:00 a.m. (generally seen by day laborers as the end of the busy time for hiring each day) hovered consistently between 100 and 125. This means that by 10:00 a.m., 100 to 125 day laborers had not found work each day. When their worker designed/ worker run hiring center opened in August of 2000 (the end of the busy season for day laborer jobs), the average number of workers out on jobs by 10:00 a.m. was 90, leaving only 10-20 workers not yet hired by this hour (due to the higher level of work, smaller numbers of day laborers were present to sign up each day at the center compared to in the street).

Not only did Concord’s day laborers achieve a much higher level of employment, they also managed to significantly raise their wages by implementing a minimum wage of

¹⁰ Other cities with day laborer designed programs that had over 80% employment after the center opened include El Monte, and Glendale, CA, and Austin, Texas.

\$10 an hour for unskilled, regular jobs¹¹, and by refusing to send out workers for less (turning away employers who insisted on paying less—essentially constantly on strike). Their control of the areas previously known for hiring day laborers, with the help of the anti-solicitation ordinance, meant that employers either hired them at the wages they asked for, or they went away without workers.

Dues

As they typically see government funds as a form of “welfare” (that limits their decision making power in their programs) day laborers given the choice usually opt to fund their own programs through dues that they vote in (usually \$1 a day). Dues are another day laborer chosen policy called “controversial” and “abusive” by NDLO and social service agency model staff.

Non-participating Day Laborers Still in Street and Position on Day Labor Ordinances

Unable to attract the day laborers in the street to their programs, the social service agency model staff members typically become apologists for the very phenomenon that the programs are meant to eliminate (unorganized day labor on the streets). Renee Saucedo, director of San Francisco’s program says, “We see the street as an extension of our program,” she said. “They have a right to stand on the street and look for work if our service can’t help them.”

Cities with anti-solicitation ordinances and social service agency model day laborer programs typically end up not enforcing the ordinance when faced with huge numbers of day laborers opting to not attend the program but rather to continue to look for work in the streets.

In fact, social service agency model programs contend that day labor centers are *not* the answer to unorganized day labor in the streets. Day laborers “should be out on the corners and be able to do whatever they want. They have a right to stand on the corner and be like visible in that community.... It’s (the corner has) always been there” (Camou:13).

The San Francisco social service agency model program insists that day laborers “have the moral and legal right to stand on the street. And, so we oppose the use of police to move them off the street, we oppose the use of police to move the workers to our programs because we don’t think that’s right. We oppose any non-solicitation ordinance.” [Camou:11]. Likewise, Los Angeles based CHIRLA/IDEPSCA and NDLO hold that attempting to get day laborers off the street and into a program is “not realistic,” and that is *not* the goal of their day labor programs. CHIRLA/IDEPSCA and NDLO insist that even with the existence of good day labor programs, day laborers remaining in the street “have the right to be there” (Camou:11).

¹¹ Concord’s day laborers defined regular work as work such as yard work, cleanup, etc. but exclude “hard” work such as digging, breaking concrete, and moving jobs (which demand higher wages).

Social service agency model programs “have pursued the right to remain in the street as a basic operating principle consistent with a broader immigrants rights agenda. In the most extremely immigrant-rights focused centers, staff have extended the symbolism of day labor corners to new political struggles as well.” (Camou:12) San Francisco’s program affirms that supporting day laborers’ “right” to stay in the streets is part of the “anti-gentrification movement” in the Mission District of San Francisco, saying that “everything’s connected” (Camou:13).

Day laborer designed model day labor programs hold that all day laborers need to leave the street and join the center. Although day laborers in day laborer designed hiring centers universally see anti-solicitation ordinances as *labor laws* that protect and enforce day laborers’ right to earn a fair wage, NDLO and the proponents of social service agency model programs focus on the scab workers (who are the only workers effected negatively by an ordinance). Using the same, worn out, anti-union rhetoric, the NDLO and the proponents of social service agency model programs use words like “exclusionary” and “controversial” to describe the day laborer designed program position on day laborers in the streets (Toma:31-32). They cite day laborers’ “rights” to continue to look for work in the streets if they choose to (and the right to work for any wage, and the right to not pay dues).

Different programs, Different Results

Number Left in the Streets

Not surprisingly for programs that focus on provision of services rather than employment, and that defend day laborers “rights” to stay in the streets, nearly all cities with social service agency model programs have a continuing and large presence of day laborers who refuse to participate in the programs. These day laborers often stand near the day labor centers and wait for work on sidewalks and in parking lots (both CHIRLA/IDEPSCA’s Hollywood day laborer program and San Francisco’s program, for example, have over 200 day laborers each day refusing to attend the centers and opting to stay in the streets). Ironically, these non-participants often sign up at the center in the morning and then go outside to look for work.

Camuo attributes this to the social service agency model programs philosophy of provision of services over employment, and their contradictory portrayal of centers as “jails” and “warehouses” saying that “not surprisingly... centers adopting this attitude report significant numbers of workers remaining on the street; in San Francisco, for instance, estimates place two-thirds of the total day labor population remaining on the street”(11).

In spite of running a day labor program themselves, staff members of social service agency model programs negatively characterize day labor centers in general. Camou notes that social service agency model “day labor centers’ own language de-legitimizes them as “warehouses,” as anti-immigrant, and as nothing more than safe places for people who dislike the street. In one case, a center has even deliberately maintained the street in an effort to make a public statement about anti-gentrification- a political issue I doubt concerns very many day laborers. Organizing strategies adopting this

language ultimately sabotage centers. By communicating these thoughts to day laborers, centers lead them to think about centers as “cages” rather than as vehicles to better working conditions” (Camou:21).

Problems Created by Each Model Program

One problem for a social service agency model day labor programs is how to deal with the minority Latin American Indian day laborers that speak Indigenous languages such as Maya. These day laborers are marginalized by the majority rule form of decision making,¹² as well as the elected committee of the social service agency model. Their lack of proficiency in Spanish can make their participation in the political process at centers more difficult. In San Francisco, for example, a flood of Mayan day laborers left the city in 2000-2002 and moved to Concord, where majority Indigenous day laborers clearly dominated the center politics.

Social service agency model programs, due to not limiting participation to day laborers from that geographical area only, act as a draw for day laborers from other areas. This swells the total number of day laborers, and has been the cause of failure for many programs.

New day labor corners often form in the streets near social service agency model centers, worsening the original problem and increasing pressure on both the day laborers and local businesses and residents. Social service agency model program policy of protecting day laborers’ “rights” to stay in the street reinforces these new gathering points.

Day laborers, homeless day laborers and non-day laborers, and substance abusers often begin to congregate around social service agency model day labor centers after-hours. These programs typically refuse responsibility for the new problem, citing lack of funding to confront after-hours problems, and claim that the new problems are not related to the new program. A policy of responsibility for the areas surrounding the center at all times is lacking in these cases.

Not surprisingly, given the success of the competing model of day labor program, social service agency model programs are openly critical of the day laborer designed model. Day laborer designed model programs sometimes generate accusations of abuse and discrimination from social service agency model program staff and NDLO (skilled at getting media attention). This negative publicity can be burdensome to these programs and those funding them. Careful documentation of the day laborers’ consensus reaching meetings (by videotape and neutral observers), a carefully written, fair, scrupulously administered and documented complaints and grievance policy, and a clear position on the day laborers’ right to self-governance can ameliorate the attacks.

¹²Latin American culture stereotypes indigenous peoples as ignorant and less deserving [see DLRI paper “Indigenous Day Laborers: The Results of Everyday Resistance”].

The issue of City or County liability should not be ignored, although our research has found that day laborers are not more likely than any other group to commit crimes. Contrary to popular stereotypes, day laborers are actually more likely to be victims of crimes than to commit crimes.¹³ Yet, day laborers going out on jobs have committed documented cases of theft, arson, molestation, rape and murder. Careful separation of the non-profit entity that runs the day labor center from the City or County that funds the non-profit is essential, as is good insurance for the program (that also covers the board and the funders). Even better, non government funding for the center further insulates the City or County, and is often easier to obtain than government funding. City or county control of the direction and operations of the day labor center can be maintained without contributing to the center's funding by careful planning before the center opens.

Who is NDLON?

The National Day Labor Organizing Network (NLDON), a reactionary offshoot of CHIRLA and IDEPSCA in Los Angeles, is headed by Pablo Alvarado, the self-described "new Cesar Chavez."¹⁴ An analysis of news stories about NDLON reveals a pattern—protest local governments and police, claims serious problems with local day labor, ask for outrageous amounts of funding, offer to set up a day labor center or help the local day labor center to "resolve the day labor problem," and then more protest and more funding requests (Bradshaw).

NDLON promotes and runs "political schools" out of day labor centers that practice indoctrination of day laborers to prepare them to participate in a future "revolution" in the United States. NDLON's dogma is anti-government and anti-big business (although funded by governments and big business) and anti-union (although often supported by Labor). They teach day laborers to hate police, government, labor unions, small and big business, and neighborhood residents.

They teach day laborers that *everyone* who objects to unorganized day labor in the streets is racist, and adamantly defend day laborers' "rights" to stay in the street. Their community meetings intended to introduce day laborers to other members of the community are strident, demanding, and generate division (Sheldone). They protest *any* police action to control the problems associated with unorganized day labor (Celano). A typical example is calling officers handing out flyers asking day laborers to not urinate in public "police terror tactics" (Belknap).

Their protests show an interesting twist—NDLON's practice is to bring in ringers to their protests and claim they are local day laborers. News stories often quote day laborers and day labor activists, day labor center staff, and other locals as expressing puzzlement about who the protestors are and why they are protesting in their cities (Garcia, Celano).

¹³ See DLRI paper "Serial Murderers, Child Rapists, and Malevolent Drifters: Media Stereotyping of Day Laborers."

¹⁴ Alvarado claims a revolutionary past in his native El Salvador, a delusion that plays out in NDLON's organizing of day laborers as if plotting a guerilla campaign.

A huge NDLO achievement is that they have ambitiously contacted most other social service agency model day labor programs in the country and strong-armed them into signing on to their “network” (often without the cities and counties funding these programs knowledge of the major shift in program philosophy this demands). NDLO also contacts day labor programs facing budget shortages, and city and county attempts to demand accountability and limit costs, and quickly moves to hold protests against the offending city or county (again, with accusations of anti-immigrant racism and demands for more funding) (Rathi).

NDLO arbitrarily drafted principles for day labor centers (for example, day laborers should not pay dues), and imperialistically dictate these principles in workshops and media interviews. They oppose day laborer’s consensus driven program policy that contradicts these conventions such as funding through dues (Moskowitz), enforcement of a minimum wage, anti-solicitation ordinances and boycott of employers and day laborers that solicit in the streets. NDLO’s noisy accusations of racism and abuse of day laborers’ rights often convince cities with good programs to make risky changes, effectively undermining successful programs (Moskowitz, Boghossian).

NDLO works to “eliminate all anti-day-laborer ordinances” by pressuring cities that have them through protests. They sue cities that have these ordinances, including cities that have successful day labor programs with a high level of work as an alternative to streetside day labor solicitation.

A close look at NDLO’s actual accomplishments reveals that their product is protest, accusations of racism and anti-immigrant discrimination, and excessive requests for funding. Any city or county that allows NDLO participation in their program can expect endless protests and accusations of racism, opposition to any attempts to move day laborers from the streets to a center, requests for more funding, and protests over cost limitation and accountability at existing programs.

One-Stop Centers

A philosophical position of social service agency day labor programs is that provision of services trumps provision of job opportunities: ESL classes, computer labs, free food and clothes, etc. These programs cost at least \$100,000 more a year than day laborer designed model programs.

Although the “one-stop” idea is attractive at first glance, it presents fundamental problems. In addition to the problem of duplication of services is the problem of accountability: the ESL classes are not held to the strict ESL standard the school district has, food distribution is not held to the Health Dept. or funding standards that food pantries and soup kitchens are held to, nor do these programs document the provision of these services in a manner that allows verification. These programs are not being audited and regulated like other providers of these social services are.

Likewise, it appears that social service agency model programs actively try to avoid being pinned down by not clearly defining themselves. Their lack of definition (the “one-

stop" concept) and lack of documentation conveniently keeps them from being held to any verifiable standard.

Anyone questioning their efficiency in running the programs is immediately labeled an anti-immigrant racist, and attempts to demand accountability and limit costs are met with more accusations of racism and protests (see NDLO). The legitimate issue of duplication of services (most cities already have these social services available before the centers open) is also avoided.

As a result of the high cost associated with provision of services, a second, key, philosophical position is taken: day laborers are too numerous to be incorporated in any day labor program. Camou notes that the insistence on provision of social services "diminishes the feasibility of accommodating *all* workers through centers, especially in high population areas like Los Angeles, because of the expense. As a result, it makes the idea that centers cannot accommodate all workers a self-fulfilling prophecy" (Camou:12). Thus, another excuse for poor levels of participation in their programs is created.

What Do Day Laborers Want?

Work/Level of Employment

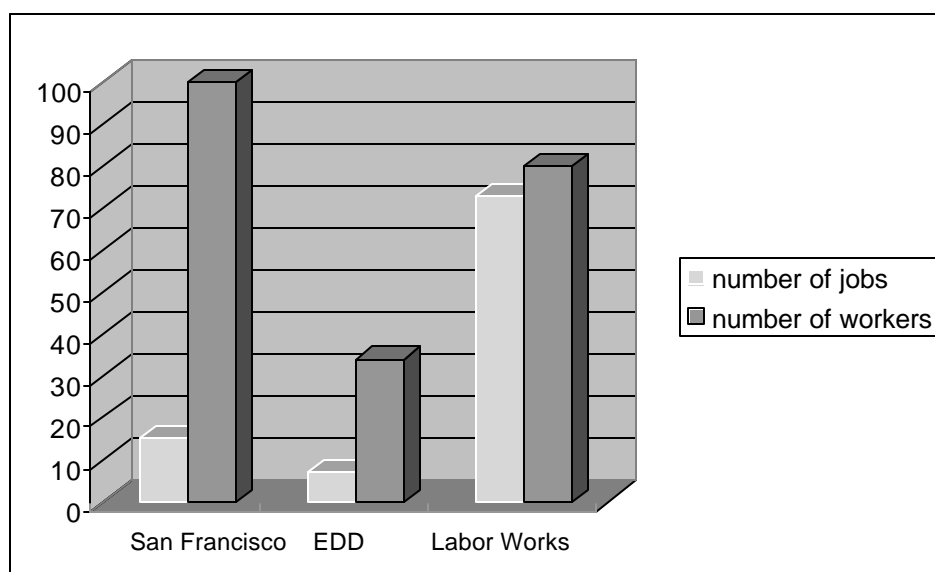
In four years of research, several thousand day laborers surveyed were asked the open question: what do you most want? 98% answered "work." None answered soccer teams or English classes, nor free food or clothing, and none answered social activities or consciousness-raising. When day laborers design their own programs, their model is based on work.

In our ethnographic research of day laborers and day labor centers, day labor programs' board and staff focused on their programs being "one-stop" day labor service centers with a holistic approach to a multitude of day laborer needs. Yet, the day laborers talked about one issue and only one issue: employment. The day laborers reported running up against their program's philosophy when they attempted to address the one issue most critical to them.

We say, "There's not enough work--we are only working a day or two per week, and there are too many workers and not enough work." They say, "We are making progress – things are getting better." We say, "But there's not enough work – there are lots of us competing for not very many jobs; we are being forced to work for lower wages than we want because of the competition." They say, "There's not enough work because the economy is bad – but we are calling employers on the phone and finding jobs." We say, "We aren't getting work and so we can't pay our rent – we have to live with too many people in too small apartments in order to survive." They say, "We are organizing our day laborers and improving things. We're holding meetings and changing the rules. We may organize a soccer team and participate in conferences with the National Day Laborer Organizing Network." Why don't they answer our questions and address our complaints? Why do they keep changing the subject?
Day Laborers in Virginia

Over 80% employment daily versus 30% employment is enough explanation for why day laborers participate in day laborer designed hiring halls and boycott social service agency model programs (although day laborer ownership of their programs through decision making autonomy also helps).

During the years that Concord's program, Labor Works, operated as a day laborer designed center, it maintained a minimum wage of \$10 hour, an average wage of \$12.50 for unskilled work, and an over 90% hiring rate. Concord's program averaged over 70 workers hired daily¹⁵ in 2002¹⁶ (over 26,000 hired in a year)¹⁷. The wages generated from these jobs (the temporary jobs alone) totaled more than two million dollars a year—a living wage for these day laborers, a huge benefit to the local business community, and a huge savings for providers of social services in Concord.



Comparison of Average Number of Jobs Per Worker Daily 2002

Comparing Concord's program, (based on the same counts) to other day laborer programs in that geographical area, during the same time period, is revealing. The State Employment Development Department (EDD) office's day labor program, Casual Labor, averaged 7 jobs a day (of approximately 34 workers attending daily). Concord's program provided an average of 10 times that amount of jobs daily, (and 5 times the fulltime jobs) *with the same annual budget* as the EDD office.

The San Francisco program's abysmal rate of employment (15% average daily) may be explained by the very different program philosophy: "improvement of day laborers' conditions... by provision of services" including free food, clothes, medical and legal aid,

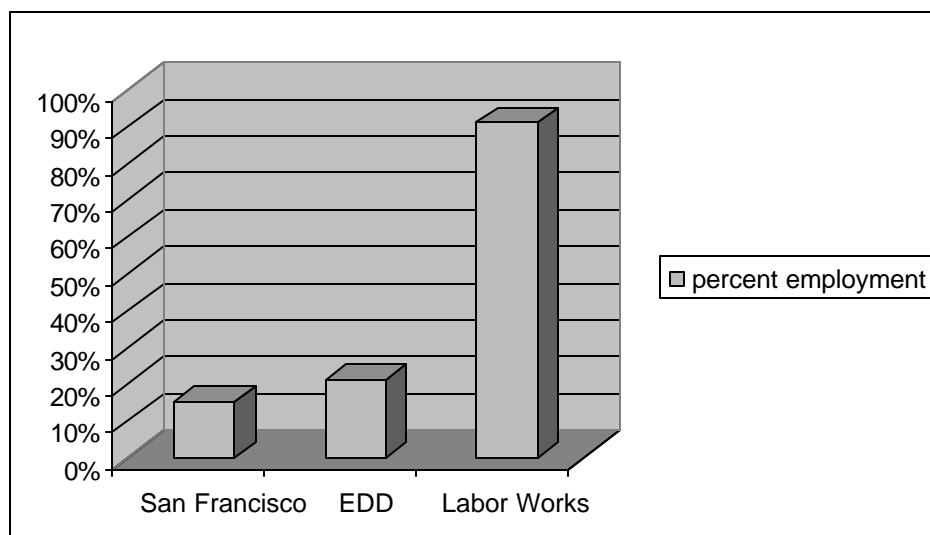
¹⁵ 365 days a year since the center never closed.

¹⁶ Most jobs were for more than one day—often lasting for weeks—and these workers usually did not return to the center to sign in until the job is over, thus these longer-term jobs were not counted or included in the average number of jobs daily or the average percent of employment daily, nor in the wages generated by these jobs.

¹⁷ The center also generated an average of one fulltime job per day.

and referrals to other social service providers. In their grant request, the program promises 1200 jobs for the year, 90 of them fulltime.

The issue of permanent employment is still a goal, but progress towards this has to be assessed in context of the overall economic picture, particularly since September 11th. Many of the City's strongest employment and training programs are struggling to meet their projected job placement benchmarks due to the weakened economy. The Day Labor Program has more barriers than most in realizing their permanent goals because of the population with whom they work.
San Francisco Supervisor Tom Ammiano



Comparison of Average Percent of Workers Hired Daily 2002

The post 911 economic woes did *not* have a negative effect on Concord's program—although the total number of workers participating in the program had doubled by April, 2002 compared to April, 2001, the number of jobs also doubled—the rate of employment at the center remained as high as the previous year.

Which Model of Program to Choose: What is Your Goal?

The two day labor program models clearly have very different purposes, functions and results. A community considering a day labor program needs to look at *cost and available resources, purpose and expected results, and local tolerance for day laborer self-governance*.

Prevailing paradigm in the United States dictates that day labor programs be one-stop centers that provide a multitude of services in the place of employment, and perform outreach to attract day laborers to their program. Our research has consistently found a correlation between large numbers of staff, large budgets, and low participation, between no anti-solicitation ordinance nor an active streetside day labor boycott, and low levels of employment at center, between ambitious social service programs, sincere

outreach to day laborers, and high numbers of day laborers still in the street¹⁸. Finally, promoting the “rights” of day laborers to remain in the streets dooms social service agency model programs to failure, and undermines day laborers rights to organize for better wages.

Proponents of social service agency model programs that portray anti-solicitation ordinances and day laborer boycotts of streetside solicitation as an abuse of civil rights deliberately ignore one key fact: employers are the sole beneficiaries of streetside solicitation—day laborers get only exploitation resulting in low wages and non-payment of wages, low levels of work, and no protection. Day Labor Research Institute has found that, after the opening of a day labor center, disrupting streetside day labor by targeting employers *aids* day laborers by forcing renegade employers to use the day labor center to hire day laborers at the higher wages. The practice protects day laborers rights and improves their quality of life.

Contradicting the prevailing paradigm, day laborers are *not* attracted to programs that offer social services, education, social opportunities, consciousness raising and incorporation in political movements such as immigrant rights and anti-gentrification instead of a high level of employment at fair wages. The social service agency model program practice is to entertain day laborers’ “suggestions and insights” toward policy, but not allow real policy-making. This patronizing position results in a lack of autonomy for the day laborers, day laborer alienation from the program, and a program that ignores day laborers’ reason for being day laborers.

In all cases, in spite of predictions by the prevalent day labor center paradigm, and in spite of the day laborer designed model program’s strict rules and dues, day laborers attend day laborer designed programs in high numbers and boycott social service agency programs by choosing to remain in the streets.

The Day Labor Research Institute advocates a new paradigm for day labor programs. Let day laborers take responsibility for developing a solution. Let day laborers themselves define the problem, decide on a solution, and decide how to implement and fund the solution. Day laborers are, after all, the ones most affected by bad or good program decisions. Bad decisions leave them without work and feeling alienated from their program. Although we contend that day laborers are not more difficult to find employment for than other workers, day laborers *are* more economically vulnerable (Theodore:11, NELP:10). Good day labor programs give them the best chance for regular employment, fair wages, and protection from exploitation.

We have found that, given the opportunity and the right tools, day laborers are able to construct a worker-designed day labor program that will satisfy the day laborers, local

¹⁸ Although we agree that day laborers may have multiple needs, including food, clothing, housing, medical care, medication, English and job skills, drug and alcohol counseling, and help for low self esteem, most of these needs are solved by an abundance of work at high wages (if not solved by more work at higher wages, at least the worker is in a better position to seek treatment and help).

businesses, employers, community, local government and police¹⁹. Day laborers have proven to know what is best for themselves and consistently develop programs with high levels of work and wages and few or no day laborers left in the streets.

Although consensus-reaching is a difficult and time-consuming process, consensus decisions are more likely to be accepted by all. Day laborers who have made policy and rules buy into their programs. They are less likely to allow abuses, and more likely to work to make necessary changes, rather than just putting up with a poorly run program. For a program to have a high level of participation, day laborers must *own* their program—an abundance of examples in multiple cities has shown that no ordinance or law, no force, and no amount of “outreach” or incentives will convince day laborers to leave the street and participate in a day labor program if they do not want to.

¹⁹ But not NDLO and social service agency model staff, of course.

Appendix 1

Two Models of Day Labor Programs and Examples of Each Model

Examples of Social Service Agency Model Programs

CASA de Maryland Center for Employment and Training, established in 1993 in Silver Spring, MD, rules and policies developed with “input” of day laborers. They have a budget of \$385,000, report that only 41% of this is for the employment part of the program (1999 figures), and they report “lower than expected” employment rates.

Macehualli Work Center, Phoenix, AZ

Built by the city of Phoenix, currently facing anti-immigrant attacks

The City of Phoenix is active in enforcing the payment of wages, with stiff sanctions for abusers.

Monument Futures, Day Labor Center, Concord, CA

Was a worker designed program, changed to a social service agency model program in 2003. Current level of employment 30% of participants daily.

Examples of Day Laborer Designed Model Programs

First Workers, Austin, TX

Program separated from Homeless Services and moved to a new location in 1999, and day laborers made new policies based on consensus decisions, resulting in a 250% increase in level of employment, and a huge decrease in the number of day laborers left in the streets.

Temporary Skilled Workers Center, Glendale, CA

90% average rate of employment and high level of participation, this center has inspired similar centers in other cities and won community policing awards. NDLON has targeted Glendale’s center for protests.

El Monte One Stop Worker Center, El Monte, CA

El Monte’s day labor program, now closed due to a *lack* of day laborers, had an over 80% rate of employment daily and absolutely no day laborers left in the streets after the program opened. While the city did have an anti-solicitation ordinance, police never issued a ticket, nor made an arrest.

Appendix 2:
Table: Comparison of Day Laborer Program Models

| Model: | Social Service Agency Model | Worker Designed Model |
|--|---|--|
| Purpose | Provision of services | Workers: raise wages and level of work , payment of wages City and PD: end presence of day laborers in streets and parking lots |
| Cost | \$100,000 to \$350,000 a year | \$60,000 to \$100,000 first year |
| Funding | 100% outside funding | City or non-government source provides startup funding, day laborers often vote in dues to continue to fund center. |
| Decision making | elect a decision making board democracy—majority rules | no elections consensus agreements |
| Minimum wage | Not enforced Right to work for any wage | Enforced—workers violating the minimum wage permanently suspended |
| Level of work | Average 30% of those signing up daily | Average over 80% of those signing up daily |
| Services offered | Coffee, donuts, used clothes, lunches, ESL classes, social events (soccer teams, theater groups, conferences, workshops, political schools) | “Anything free” prohibited by day laborers’ rules Social events and educational activities not prohibited and often develop through consensus New workers given food, clothing and first place on list by fellow workers |
| Rules against looking for work on streets | No—no sanctions. Right to look for work on streets | Yes—members permanently suspended for looking for work on streets. Day laborers looking for work in street are seen as scabs |
| Media | Coverage solicited | Often refuse interviews |
| Organization model | Consciousness raising | Union style organizing |
| Days and hours of operation | Mon.-Fri., sometimes Saturday, closed Holidays, 6:00 a.m. to 1-2 p.m. | 365 days a year, sun-up to sun-down, mirrors hours day laborers are present on streets |
| Who can attend? | Anyone | Only day laborers (according to their definition) |
| Allies | No real allies | Police, organized labor |
| Enemies | Racist police, City, neighbors, community | “Scabs” Employers of “scabs” |
| Numbers left on street | More outside center than inside—often 2/3 outside | Zero to 10% of the number present at the center |

Appendix 3 PERFORMANCE REPORT

Project: _____

The City will compensate the Subrecipient for a maximum of _____ clients at a per client cost of \$_____. **Reimbursements shall be based on the following activities or services provided to clients.**

Reimbursement for the period of:_____.
Total Number Of Unduplicated Clients Served During the above period:_____

| ACTIVITY/SERVICE | Number of Clients Served | COST PER CLIENT |
|------------------|--------------------------------|--------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |

Performance Based Payments: *The City shall process payments for eligible expenses based on the line-items specified in Attachment B - Budget Summary Documents and according to the costs incurred for clients as stated in the above Performance Status Report.*

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REPORTING FORMS INSTRUCTIONS FY 1999-2000

DUE DATES FOR SUBMITTING PERFORMANCE REPORTS:

1ST QUARTER - BY 1/14
2ND QUARTER - BY 4/14
3RD QUARTER - BY 7 /14
4TH QUARTER - BY 10/13

Instructions:

- ✍ A client roster must be maintained to record clients served by area, age, ethnicity, services provided and other data pertinent to the operation of your program.
- ✍ Client rosters are reviewed during the subsequent on-site evaluations.
- ✍ The ***Direct Beneficiary Summary*** must be completed and submitted quarterly.
- ✍ The ***Income Certification Form*** must be completed by each family/client served and kept in project files for review. The income form is only applicable to projects which serve clients directly in a one-to-one relationship. It is not applicable to school-based projects which provide presentations to groups at lower income school sites.
- ✍ The ***Narrative Form*** is optional and is provided as a communication tool for you to inform the City of areas of success or concern.
- ✍ Projects that are service-related must complete the ***Quarterly Project Performance Report***.
- ✍ Construction-related projects must complete the ***Expected Time of Completion Chart*** which indicates progress of the work proposed.

If your organization requires technical assistance to complete any reporting forms, contact the Grants Administration at (909) 620-2437 for further assistance.

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Date: _____ Total Unduplicated Clients Served: _____

~~1~~ ~~2~~ ~~3~~ ~~4~~ Other _____

| <div> <div></div> CDBG </div> <div> <div></div> ESG </div> <div> <div></div> <div></div> <div></div> HOME </div> <div> <div></div> <div></div> <div></div> Other_____ </div> | PLANNED PERFORMANCE/ACHIEVEMENT COLUMNS (ENTER SERVICE UNITS AND/OR UNDUP. CLIENTS IF KNOWN) | | | | | | |
|--|--|--------|-----------|----------------------|---------------------|--------|-----------|
| | CURRENT QUARTER | | | | YEAR-TO-DATE | | |
| ACTIVITY/SERVICES COLUMN | PLANNED | ACTUAL | ACH. % | NEXT QTR. PLANNED | PLANNED | ACTUAL | ACH. % |
| | | | | | | | |
| TOTAL SERVICE UNITS OR CLIENTS ASSISTED | | | | | | | |

Resources for Both Models of Day Labor Programs

CASA de Maryland Center for Employment and Training, Silver Spring, MD
http://www.casademaryland.org/Employment_md.htm

Casa Latina, Seattle, WA. www.casa-latina.org

City of Concord Police Department.
“Strategic Plan 2004: Realizing the Police Mission through Community Partnerships.”

Coalition for Humane Immigrant Rights of Los Angeles. chirla.org

Day Labor Research Institute. www.daylabor.org

“Farmingville” documentary on day laborers.
<http://www.pbs.org/pov/pov2004/farmingville/>

Instituto De Educacion Popular del Sur de California. idepsca.org

“Los Trabajadores/The Workers” documentary on day laborers in Austin, TX.
<http://www.pbs.org/independentlens/theworkers/>

National Day Labor Organizing Network. www.ndlon.org

National Employment Law Project. www.nelp.org

North American Alliance for Fair Employment (NAFFE). <http://www.fairjobs.org/>

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Daily News Staff. "Day-laborer ordinance is struck down by judge." Los Angeles Daily News May 18, 2005.

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Rivera, Jose A. "Day Labor 2005 Report." Chicago Department of Human Services. July, 2005.

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